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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,372	09/28/2000	Louis A. Lippincott	042390.P9464	7664

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EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,372

Applicant(s)

LIPPINCOTT, LOUIS A.

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

2. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Aras et al. (U.S. Patent No. 5,872,588).

Regarding claim 1, Aras discloses “an apparatus” (Fig. 1A, item 111 & Figs. 15-16 for a home station) comprising: “a first processor coupled to a communications channel device, the communications device capable of receiving and transmitting information to a video-on-demand (VOD) service provider”, i.e., the processor of Figure 16 coupled to an upstream or control channel as a communications channel device for receiving and transmitting to a VOD service provider –as shown in Fig. 1A for a broadcast server and ITV server (col. 6/line 45 to col. 7/line 29 for VOD service is included); “a VOD content decoder coupled to the first processor” (Fig. 16, an AVI decoder for decoding the audio/visual content, and col. 7/line 5 to col. 8/line 53 for details on fields and contents of AVI frames, as also illustrated in Fig. 2); “a video and audio formatting processor coupled to the first processor and the content decoder” (as shown in Figs. 15 & 16, decode module 1561 decode the audio and visual information and presents audio and video to the display 1563, wherein it is also coupled to the processor as shown in detail in Fig. 16); and “an index memory coupled to the first processor, wherein the index memory stores a plurality of VOD program segment representations of one of whole VOD program content and

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partial VOD program content” (Fig. 16 shows a memory wherein the memory stores index of VOD segment programs of either a whole VOD program content or portions of program content, see more on col. 7/line 58 to col. 9/line 16 for separate sub-portion identifiers and time index for identifying portions of programs presenting to each viewer, and Figs. 10-12 for time index including start time and end time of each AVI stream).

As for claim 2, in further view of claim 1, Aras discloses “wherein the first processor receives information from a user controller” (Fig. 15 as subscriber 113 uses I/O control 1553 for controlling the processor within the monitor 1555—as the processor later shown in Fig. 16).

As for claim 3, in further view of claim 2, Aras shows “wherein the user controller is one of an infrared remote controller, a keyboard, a computer mouse and a voice activated controller” (col. 5/lines 56-67 for remote controller; and Fig. 15-16, and col. 25/line 36 to col. 26/line 5 for a variety of different user inputs).

As for claim 4, in further view of claim 1, Aras further discloses “wherein the plurality of VOD program segment representations comprises a content identification, a content segment start time, and a content segment stop time” (Fig. 2 shows AVI stream with content fields and ID, and Fig. 12 for start time and stop time of each AVI stream identifying by its own ID).

As for claim 5, in further view of claim 4, Aras shows “wherein the content identification is one of received from a VOD service provider and selected by a user” (as shown in Figs. 12-13, and col. 23/line 40 to col. 24/line 10 as viewers can select the AVI stream portions presented to them for appropriate billing purposes).

As for claim 6, in further view of claim 5, Aras shows “wherein the content segment start time and the content segment stop time are selected by a user” (see claim 4 & 5 as viewer can select the AVI portions by each AVI content start time and end time).

As for claim 7, in view of claim 4, Aras inherently teaches “wherein one of the plurality of program segment representations requires 1 to 10 bytes of memory”, i.e., allocation of memory is assigned based on behavior collection data using standard NTSC format for bytes (col. 13/line 34 to col. 14/line 43).

As for claim 8, in further view of claim 1, Aras further discloses “wherein the index memory is a non-volatile read and write memory” (home station includes non-volatile memory, see col. 16/lines 45-51).

Regarding claim 9, Aras discloses “a system comprising: a video-on-demand (VOD) service provider coupled to a plurality of settop-box (STB) units, wherein each of the plurality of STB units comprises a first processor coupled to a communications channel device, the communications device capable of receiving and transmitting information to a VOD service provider; a VOD content decoder coupled to the first processor; a video and audio formatting processor coupled to the first processor and the content decoder; and an index memory coupled to the first processor, wherein the index memory stores a plurality of VOID program segment representations of one of whole VOD program content and partial VOD program content and each of the plurality of STB units are capable of communicating with each other” (same as claim 1 above, with set top box or set top terminal at the user location as shown in Figs. 1A & 1B, and col. 4/lines 40-57 & col. 5/lines 39-67).

As for claims 10-16, these claims with same limitations are rejected for the reasons given in the scope of claims 2-8 as already disclosed in details above.

As for claim 17, Aras discloses “a method comprising: ordering at least one video-on-demand (VOD) program from a VOD service provider from a first set-top-box (STB) unit; playing at least one VOD program; selecting a start and stop time for recording a representation of a segment of the at least one VOD program; converting a VOD program identifier of the at least one VOD program to a text representation; one of converting the text representation of the VOD program identifier of the at least one VOD program into a unique encoded digital representation and receiving a unique encoded digital representation from the VOD service provider; converting the start and stop time for a segment of the at least one VOD program to a digital representation; and storing the VOID program identifier encoded digital representation and the start and stop digital representation in an index memory” (same as claim 1 and 9 above, with the step of ordering VOD program from the viewer/user, see col. 3/lines 7-27 & col. 5/lines 39-67 & col. 7/lines 5-53 and col. 23/line 40-col. 24/line 26 for related information on how the viewer or subscriber orders the VOD program including portions or segments of VOD program using AVI stream based on start time and end time of each AVI stream presented to the viewer for selection).

As for claims 18-20, Aras inherently shows further “comprising converting the stored VOD program identifier encoded digital representation and the start and stop digital representation of the segment of the at least one VOD program to a graphics representation, wherein a user can select the graphics representation to order the segment of the at least one VOD program” and “attaching the stored VOD program identifier encoded digital representation

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and the start and stop digital representation in an electronic mail (email), and sending the email to a user located at a different venue” (col. 24/line 29 to col. 25/line 40 while computer software, computer monitor and PDA are used in receiving electronic messages from the system in either audio form and video form, see further in col. 26/line 44 to col. 27/line 4 for VOD services delivered to the users/viewers at different venue or location).

As for claims 21-24, these claims for “a program storage device readable by a machine comprising instructions that cause the machine to: order at least one video-on-demand (VOD) program from a VOID service provider from a first set-top-box (STB) unit; convert a VOD program identifier of the at least one VOD program to a text representation; one of convert the text representation of the VOD program identifier of the at least one VOD program into a unique encoded digital representation and receive a unique encoded digital representation from the VOD service provider; convert a start and stop time for a segment of the at least one VOD program to a digital representation; and store the VOD program identifier encoded digital representation and the start and stop digital representation in an index memory” are rejected for the reasons given in the scope of claims 1-17 as disclosed in details above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McCormack et al (US Pub 2003/0074660 A1), Oguz et al (US Patent 6,771,703 B1), Dunn et al (US Patent 5,721,829), and Jungers et al (US Patent 6,438,140 B1) discloses systems related to audio visual presentation to users using identifiers.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park I.I., 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
August 17, 2004



**KRISTA BUI
PATENT EXAMINER**